

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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U. S. DISTRICT COURT  
N. D. OF N. Y.  
FILED

APR - 7 2005

UNITED STATES OF AMERICA,

vs

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
LAWRENCE K. BAERMAN, Clerk  
04-CR-571 UTICA

SOLOMON BILLUPS,

Defendant.

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APPEARANCES:

OF COUNSEL:

OFFICE OF THE FEDERAL  
PUBLIC DEFENDER  
Attorney for Defendant  
39 North Pearl Street, 5<sup>th</sup> Floor  
Albany, New York 12207

PAUL J. EVANGELISTA, ESQ.

HON. GLENN T. SUDDABY  
United States Attorney  
Attorney for Government  
Northern District of New York  
P. O. Box 7198  
100 South Clinton Street  
Syracuse, New York 13261-5165

ROBERT A. SHARPE, ESQ.  
Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**ORDER**

The defendant's suppression motions came on for oral argument on February 25, 2005, in Albany, New York, and an evidentiary hearing was held on April 6, 2005 in Utica, New York. A decision was rendered from the bench.

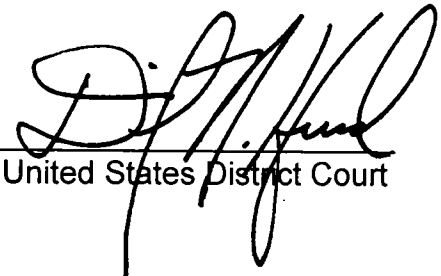
Therefore, it is

ORDERED that

1. Defendant's motion to suppress the evidence seized on August 11, 2004 is DENIED;
2. Defendant's motion to suppress the written statement given on August 11, 2004, is DENIED;
3. The alleged oral admissions made on August 11, 2005, are suppressed as part of the government's direct case; and
4. If the defendant wishes to testify at trial, the parties may request a preliminary ruling as to whether or not the government may use the alleged oral statements to cross examine the defendant and/or as rebuttal.

IT IS SO ORDERED.

Dated: April 7, 2005  
Utica, New York.

  
United States District Court